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Attorney for Defendant  
THY CHANN

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THY CHANN,

Defendant.

No. 2:99-cr-00433-03 WBS

STIPULATION AND ORDER REGARDING  
PREPARATION OF REVISED PSR,  
BRIEFING SCHEDULE, AND  
RESENTENCING OF DEFENDANT THY  
CHANN

**STIPULATION**

1. During the resentencing hearing for defendant Thy Chann on August 1, 2023, the Court discussed whether it had the authority to resentence defendants John That Luong, Minh Huynh, and Keven Lattanaphom. (ECF 2028.)

2. After briefing, this Court issued an order on June 21, 2024 (ECF 2072) stating it determined it did not have that authority, and directed the parties to prepare a stipulation with proposed dates for resentencing, including preparation of a revised PSR and briefing, if appropriate.

3. In light of the new guidelines applicable to youthful offenders, as well as the fact that a complete copy of the prior report prepared for former counsel Shari Rusk by Dr. Jackman in 2004 is no longer available, defense counsel requested that this Court authorize funding for preparation of a new, updated report. That funding was authorized, and the appointed psychologist is scheduled to meet with Mr. Chann at the beginning of December.

4. Considering the timing of the preparation of the report, defense counsel has consulted with Probation Office Julie Besabe regarding the schedule, including review of the report the report being prepared, and she has suggested the following schedule:

Judgment and Sentencing Date: March 03, 2025

Reply, or Statement of Non-Opposition: February 25, 2025

Formal Objections to the Presentence Report shall be filed with the Court and served on the Probation Officer and opposing counsel no later than: February 18, 2025

The final Presentence Report shall be filed with the Court and disclosed to counsel no later than: February 11, 2025

Counsel's informal written objections to the Presentence Report shall be delivered to the Probation Officer and opposing counsel no later than: February 04, 2025

The draft Presentence Report shall be disclosed to counsel no later than:

January 21, 2025

The March 4, 2025 proposed sentencing date has been cleared by this Court's Courtroom Deputy and the Parties. Accordingly, by this stipulation, the parties now move that:

- A. The draft Presentence Report be disclosed to counsel no later than January 21, 2025;
- B. Counsel's information written objections to the Presentence Report be delivered to the Probation Officer and opposing counsel no later than February 4, 2025;
- C. The final Presentence Report shall be filed with the Court and disclosed to counsel no later than February 11, 2025;
- D. Formal objections and sentencing position papers by counsel shall be filed no later than February 18, 2025;
- E. Reply or statement of non-opposition and responses to the sentencing position papers by opposing counsel shall be filed not later than February 25, 2025;
- F. The matter will be set for resentencing on March 4, 2025 at 10:00 a.m.

IT IS SO STIPULATED

Dated: November 22, 2024

*/s/ Gail Ivens*  


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 GAIL IVENS  
 Attorney for Defendant  
 THY CHANN

PHILLIP A. TALBERT  
United States Attorney

DATED: November 22, 2024

/s/ Jason Hitt  
JASON HITT  
Assistant United States Attorney  
Authorized to sign for government counsel on  
November 22, 2024


**FINDINGS AND ORDER**

Based upon the stipulation and representations of the parties, the Court adopts the proposed revised schedule as follows:

- A. The draft Presentence Report shall be disclosed to counsel no later than January 21, 2025;
- B. Counsel's information written objections to the Presentence Report shall be delivered to the Probation Officer and opposing counsel no later than February 4, 2025;
- C. The final Presentence Report shall be filed with the Court and disclosed to counsel no later than February 11, 2025;
- D. Formal objections and sentencing position papers by counsel shall be filed no later than February 18, 2025;
- E. Reply or statement of non-opposition and responses to the sentencing position papers by opposing counsel shall be filed not later than February 25, 2025;
- F. The matter will be set for resentencing on **March 3, 2025 at 10:00 a.m.**

IT IS SO ORDERED.

Dated: November 25, 2024

  
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**WILLIAM B. SHUBB**  
**UNITED STATES DISTRICT JUDGE**